

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LORENZO ANTHONY,

Plaintiff,

Case Number: 07-CV-10467

v.

HONORABLE VICTORIA A. ROBERTS

TONYA WEIDMAN, ET AL.,

Defendants.

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**ORDER (1) CONSTRUING PLAINTIFF’S MOTION TO STRIKE  
AS A MOTION TO WITHDRAW PLAINTIFF’S MOTION TO VOLUNTARILY  
DISMISS AND (2) GRANTING MOTION TO WITHDRAW**

Plaintiff Lorenzo Anthony, a state prisoner currently incarcerated at the Standish Maximum Correctional Facility in Standish, Michigan, has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, naming multiple defendants. On September 19, 2007, Plaintiff filed a “Motion to Voluntarily Dismiss All Claims Against Defendant Jeremy Owen in this Case and Dismiss Him as a Defendant” (Motion to Dismiss) [dkt. # 28]. Almost two weeks later, Plaintiff filed a “Motion to Strike” [dkt. # 31] the Motion to Dismiss.

Federal Rule of Civil Procedure 12(f) authorizes a district court to strike from a pleading any “redundant, immaterial, impertinent or scandalous matter.” Plaintiff does not claim that his motion falls into any of these categories. Instead, he states that his motion was filed under duress and he does not wish to dismiss defendant Owens. Therefore, the Court construes Plaintiff’s Motion to Strike as a Motion to Withdraw the Motion to Dismiss. Respondent has not filed a response to the Motion to Dismiss and will not be prejudiced by withdrawal of the

motion.

Accordingly, **IT IS ORDERED** that Plaintiff's Motion to Strike [dkt. # 31], is construed as a Motion to Withdraw the Motion to Dismiss and the Motion is **GRANTED**. The Motion to Dismiss [dkt. # 28] is deemed withdrawn.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: October 10, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and Lorenzo Anthony by electronic means or U.S. Mail on October 10, 2007.

s/Linda Vertriest

Deputy Clerk